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April 25, 1979

J. L. EBERLE (1890-1944)  
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Mr. Boyd Nance  
442 State Capitol Building  
Salt Lake City, UT 84114

Dear Mr. Nance:

On January 26, 1979 I wrote you requesting a copy of the report made by you concerning your inspection of the Dry Creek Drainage and U.S. Organic Ferto Corporation's activities with respect thereto.

I have not heard from you and would very much appreciate your forwarding a copy of the report at your earliest opportunity.

Yours very truly,

  
James R. Gillespie

JRG:sh

RECEIVED

MAY 4 1979

J. R. GILLESPIE



## DRY CREEK INVESTIGATION

by

Boyd W. Nance

September, 1978

On or about August 25, 1978, I accompanied Mr. Howard E. Turrel, Mr. Bob Moody, Mr. Leo Gillespie, and Mr. James R. Gillespie up Dry Creek near Milburn, Utah, for the purpose of resolving certain difficulties between Mr. Leo Gillespie and Mr. Howard E. Turrel concerning alleged damage of Mr. Gillespie's water rights by Mr. Turrel.

In my investigation on that and two previous visits, I could not see where Mr. Turrel had damaged Mr. Gillespie's water rights. Mr. Turrel had provided adequate culverts across the road to allow water from the several springs to continue on its journey to Dry Creek. One such spring was diverted along the north side of the road for approximately 200 feet until it reached one of the culverts and then crossed the road at that point, but I could see nothing wrong with this diversion since it did not impair the water rights. Mr. Gillespie indicated that at most crossings he wanted bigger and better culverts. Mr. Turrel felt the existing culverts were adequate.

The main contention seemed to be the mine tunnel. The only evidence of blockage I found was from natural sources (i.e. natural caving at the mine entrance caused by normal deterioration of the formation rock) (see pictures 1-4). Overburden has been pushed over the side (see picture #5), but the natural channel had not been blocked, changed, or damaged (see also picture #6).

At one point along the road, debris has been pushed almost directly into Dry Creek (see picture #7). This has not damaged the water right nor the stream channel at this point in time, but if this practice continues it conceivably could.

The recommendations I have made to Mr. Turrel are:

1) Cease to push debris over the side at the point at which it will go directly into the creek.

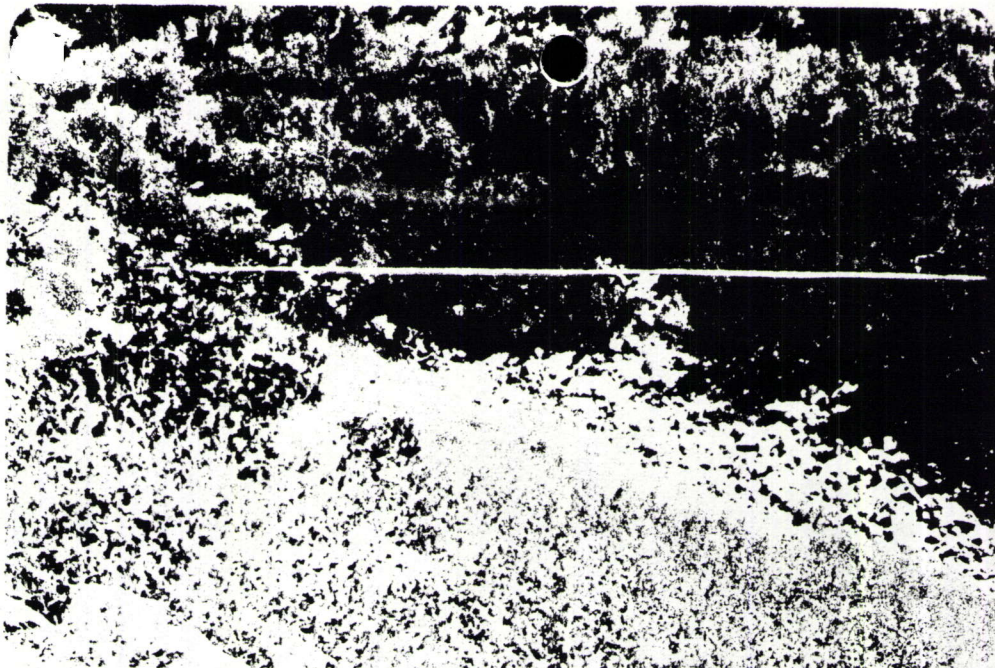
2) Keep debris out of the culverts and their channels.

3) Allow Mr. Gillespie to do what he can to salvage water out of the tunnel (At his own risk and expense, of course).

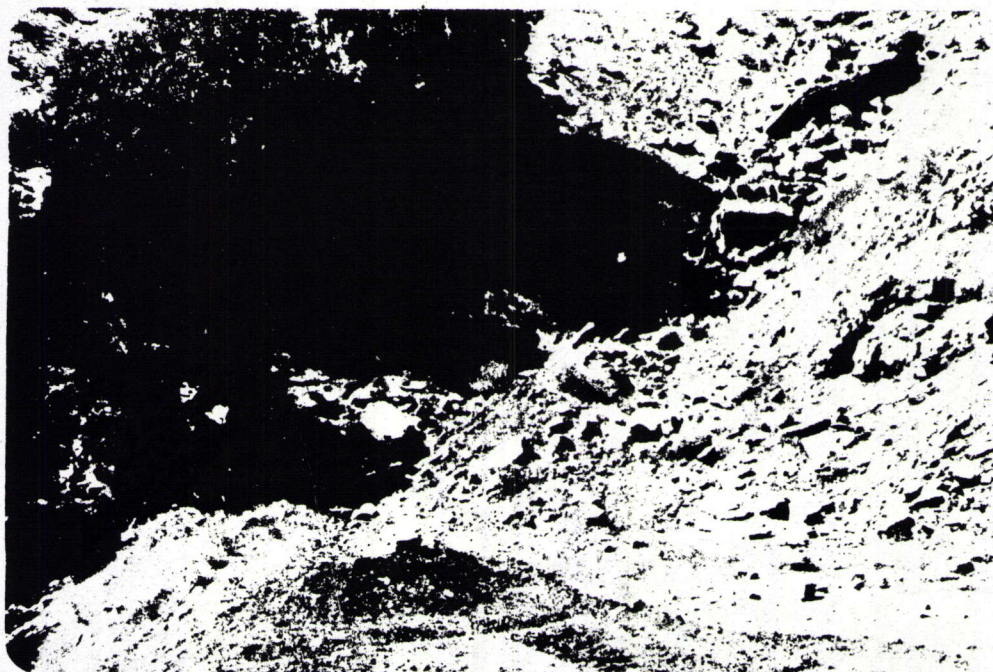
The recommendation I made to Mr. Gillespie is to put a drain or collection system into the tunnel to collect what water they can, and possibly, at his expense, maintain the tunnel.



Picture # 5.



Picture # 6.



Picture # 7.

